

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

Estate of Robert Pardy,
through its administrators
Kyley Gobin and Sara Pardy; and
Estate of Cody Pardy, through
its administrator Dorothy Ferland,
Plaintiffs

v.

Civil No. 09-cv-192-SM

Highlands Fuel Delivery, LLC; and
Johnson & Dix Fuel Corporation,
Defendants

O R D E R

A pretrial status conference was held (telephonically) on October 14, 2010.

Trial will commence on December 1, 2010.

Highlands Fuel Delivery anticipates filing a motion for summary judgment with respect to Johnson & Dix Fuel Corporation's indemnification claim (and the parties ought to address the current viability of the contribution claim).

The jury will be drawn on December 1, 2010, at 9:30 a.m., and trial will commence immediately thereafter. The parties estimate that trial will require approximately eight to ten (8-10) days.

Requests for jury instructions shall be submitted in duplicate on the day of jury selection. Additions and/or amendments thereto will be considered if submitted before the

close of trial. Requests shall be submitted in a logical sequence, shall be non-argumentative, and shall set forth an accurate statement of the law as it applies to the case. Counsel need not submit "boilerplate" instructions.

The court anticipates providing counsel with a draft charge in sufficient time to meaningfully review the jury instructions and make suggestions prior to the close of trial.

Plaintiffs will be allotted three (3) peremptory challenges. Defendants will be allotted three (3) peremptory challenges.

Witness lists shall be filed on or before November 24, 2010.

Exhibits are to be premarked and submitted, together with any objections, to the clerk's office not later than close of business on November 24, 2010, in accordance with the document entitled "Procedure for Marking Exhibits."

Opening statements and closing arguments should not exceed thirty (30) minutes in duration.

Requests for special voir dire questions may be submitted no later than 8:30 a.m. on December 1, 2010, (in chambers).

Counsel will cooperate in scheduling witnesses out of turn as necessary to accommodate legitimate business or personal interests of witnesses. In addition, counsel will exchange, and file with the court, firm "will call" witness lists on or before November 24, 2010. In addition, counsel will endeavor to advise

each other and the court of the order of witnesses at least 24 hours in advance.

Requests for daily transcripts should be made to the court reporter one (1) week prior to the commencement of trial.

Counsel will submit proposed special verdict forms prior to the commencement of evidence.

The parties will endeavor in good faith to settle this matter. Should the parties reach agreement prior to commencement of trial, plaintiffs' counsel will assume responsibility for promptly notifying the deputy clerk.

In order to keep counsel informed as to their status on the trial list, counsel are directed to contact the clerk's office, courtroom deputy in charge, for further updates on the case.

SO ORDERED.


Steven J. McAuliffe
Chief Judge

October 19, 2010

cc: Arend R. Tensen, Esq.
David P. Cullenberg, Esq.
John A. Hobson, Esq.
R. Matthew Cairns, Esq.
Randy J. Creswell, Esq.
Eric D. Jones, Esq.
Marc B. Heath, Esq.